

REMARKS/ARGUMENTS

The Office Action mailed April 2, 2004 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-13.

Drawings

Enclosed is a letter to the Office Draftsman providing a new set of drawings. The new drawings complete the requirement set out in the Office Action mailed April 2, 2004.

35 USC 102 Rejection

In the Office Action mailed April 2, 2004, Claims 1-13 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by the Carey et al reference (U.S. Patent No. 5,817,550).

Applicant has amended claims 1-13 presented for examination; therefore claims 1-13 are now presented in amended form. Since claims 1-13 now appear in amended form the 35 USC §102 rejection in the Office Action mailed April 2, 2004 no longer applies.

Applicant believes the invention claimed in claims 1-13 is not anticipated by the Carey et al reference. The standard for a 35 USC §102 rejection is stated in Verdegaal Bros. v. Union Oil Co of California, 814 F.2<sup>nd</sup> 628, 631 USPQ 1051, 1053 (Fed. Cir. 1987), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Applicant points out that the following elements of amended claims 1-13 are not found in the Carey et al reference:

"a narrowband reflective coating layer, said narrowband reflective coating layer operatively connected to said layer that can be damaged by said pulsed radiation and positioned over said layer that can be damaged by said pulsed radiation for reflecting said pulsed radiation and protecting said layer that can be damaged by said pulsed radiation," or

"wherein said reflective coating layer comprises the materials SiNx and SiO<sub>2</sub>," or

"wherein said reflective coating layer comprises the materials HfOx and SiO<sub>2</sub>," or

"wherein said reflective coating layer comprises the materials SiNx and SiO<sub>2</sub> that has a high reflectance in the UV, greater than 70% for wavelengths between 300nm and 335nm," or

"wherein said reflective coating layer comprises the materials HfOx and SiO<sub>2</sub> that will give greater than 99% reflection at 308nm.," or

"including an insulating layer operatively connected to said layer that can be damaged by said pulsed radiation and operatively connected to said narrowband reflective coating layer for reflecting said pulsed radiation," or

"wherein said reflective coating layer is a narrow band reflectance coating comprising the materials SiNx and SiO<sub>2</sub> that has a high reflectance in the UV, greater than 70% for wavelengths between 300nm and 335nm.," or

"including an insulating layer operatively connected to said layer that can be damaged by said pulsed radiation and wherein said reflective coating layer is a narrow band reflectance coating comprising the materials SiNx and SiO<sub>2</sub> that has a high reflectance in the UV, greater than 70% for wavelengths between 300nm and 335nm for reflecting said pulsed radiation."

The Carey et al reference utilizes a "first or bottom oxide or thermally insulating (dielectric) layer 11." (Col. 3, lines 45-46)

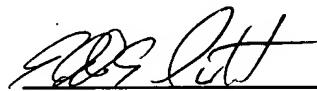
Note particularly the Carey et al reference does not show Applicants' claimed "narrowband reflective coating layer .... positioned over said layer that can be damaged by said pulsed radiation for reflecting said pulsed radiation and protecting said layer that can be damaged by said pulsed radiation."

Since the elements described above are not found in the Carey et al reference, the Carey et al reference would not support a 35 USC §102 rejection.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated April 2, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



Eddie E. Scott  
Attorney for Applicant  
Registration No. 25,220  
Tel. No. (925) 424-6897

Livermore, California

Dated: June 28, 2004